

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA

☒ EEOC **4332017 02878**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Ms. Beth Williams

Home Phone (Incl. Area Code)

919) 692-0056

Date of Birth

11/13/1978

Street Address

4745 Uzzle Rd.

City, State and ZIP Code

Rougemont, N.C. 27572

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

Durham Public School Systems

No. Employees, Members

>500

Phone No. (Include Area Code)

919- 506-2502

Street Address

511 Cleveland Street

City, State and ZIP Code

Durham, N.C. 27702

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☒ SEX ☒ RELIGION ☐ NATIONAL ORIGIN
☒ RETALIATION ☐ AGE ☒ DISABILITY ☐ GENETIC INFORMATION
☒ OTHER (Specify) **FMLA**

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

Nov. 15, 2016

Present

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

See Attached Statement

2017 AUG 15 AM 7:24

RECEIVED
US EEOC
MALEFICIAL

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

8-10-17

Date

Beth Williams

Charging Party Signature

EXHIBIT

CHARGE FACTS

I have been employed by the Durham Public School System as an Instructional Assistant at Mangum Elementary School since 2007.

In May 2016, I requested and received FMLA to use intermittently when my daughter was diagnosed with a brain tumor. At the beginning of the 2016-2017, school year I spoke to my Principal, Ms. Kellett and explained that because of my daughter's health, it was sometimes difficult for me to arrive at school by 7:15 a.m. I believed that this time was covered by the FMLA. I later learned from Ms. Lisa Daniel, the District Leave Analyst, that I should not have been allowed to return to school unless my physician released me or until I reapplied for FMLA at the beginning of the school year. No one had made me aware of this requirement.

On or about, November 15, 2016, I was assigned playground duty. As the weather grew colder, I began to experience pain in my shoulder, arm and hand. The pain was related to a work injury in the spring of 2012, for which I was assigned a 13% disability in my arm and a 37.5% disability to my right index finger and hand. I asked if the duty could be more equally divided among the six instructional assistants. Subsequently, Ms. Kellett assigned me additional duty which required me to spend more time outside.

On or about May 5, 2017, I emailed Ms. Kellett and Ms. Gwen Dorman, the Vice Principal to let them know that I was sick and would be out for the day. I also told them that I was late on both May 3 and May 4, 2017 because of issues with my daughter's health. Ms. Kellett responded and reprimanded me for being late or alternatively, that I should insure that I find coverage. I reminded Ms. Kellett that I was late because of issues with my daughter's health.

On May 10, 2017, Ms. Kellett told me that because allotments to the school had been cut, I was going to be displaced. I have since learned my position was posted and someone was hired in my position. Another Instructional Assistant retired and I could have taken her position.

On May 19, 2017, I went to Human Resources and spoke to Mr. McNeil. I explained that I wanted to file a grievance against Ms. Kellett. He told me that Ms. Kellett was being vindictive because my husband had participated in an investigation of Ms. Kellett's mishandling of PTO funds. He told me that if I filed a grievance that Ms. Kellett would sabotage and ruin my career. He told me that he was a 'man of the cloth'. He asked me if I was a Christian. He said rather than filing a grievance, I should pray for Ms. Kellett. He told me to go home and pray over the weekend and see if I really wanted to file a grievance.

On May 25, 2017, I received a Notice of Concerns from Ms. Kellett. The notice indicated that she had spoken or otherwise communicated to me her concerns about my tardiness and my failure to fob in. This is not true. The Notice of Concerns stated, "However, if you desire to remain with the Durham Public Schools, you will need to remain in good standing to continue your employment. At this time, I would not be able to provide a recommendation for continuance."

As of today's date, I have not heard from the School System about whether I will have an assignment at another school in the 2017-2018 school year.

Based upon the foregoing, I believe I have been discriminated against and retaliated against based upon disability and religion in violation of Title VII of the Civil Rights of 1964. I also believe that I have been discriminated against for exercising my rights under the Family Medical Leave Act.